

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

TODD M. TYO)

Case No. 8:23-mj-00497 (DJS)

Defendant.)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 10, 2023, in the county of Franklin in the Northern District of New York the defendant violated:

Code Section

8 U.S.C § 1324 (a)(1)(A)(ii) & (v)(I)

Offense Description

The Defendant, knowingly and in reckless disregard of the fact that aliens have come to, entered, or remained in the United States in violation of law, did transport, move, and attempt to transport and move, such aliens within the United States by means of transportation or otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.

Complainant's signature

Border Patrol Agent John Hanley

Printed name and title

Attested to by the affiant in accordance with Rule 4.1 of the Federal Rules of Criminal Procedure.

Date: September 10, 2023

Judge's signature

City and State: Albany, NY

Hon. Daniel J. Stewart, U.S. Magistrate Judge

Printed name and title

This criminal complaint is based on these facts:

On September 10, 2023, at approximately 3:30 A.M., Swanton Sector radio advised Massena Border Patrol agents of a white Ford utility van near the Sulfur Springs area in the town of Westville, New York. This area is in close proximity to the United States and Canada international border and is commonly utilized for human smuggling activities. Agents responded to the area and encountered a white Ford utility van, bearing New York registration KAJ 8352, travelling west on Sulfur Springs Road.

Agents continued following the vehicle and requested local and lane crossing checks which revealed a prior crossing through Niagara Falls, New York. While following the vehicle agents observed the driver was having difficulty maintaining his lane of travel. Agents also observed the silhouettes of several passengers in the vehicle.

Agents conducted a vehicle stop of the vehicle on State Route 122. Agents questioned the driver later identified as Todd TYO, as to where he was from and his purpose for being in the area. TYO stated he was from Gainesville, New York which is located in western New York, and he worked for a local farm and was transporting workers.

Agents questioned the nine passengers regarding their citizenship. All nine passengers stated they were citizens of Mexico and were not in possession of any immigration documents that would allow them to be in the United States.

Due to the circumstances, agents placed all subjects under arrest and transported everyone to the Massena Border Patrol Station for further processing. At the Massena Station, all subjects were run through IDENT/IAFIS fingerprinting system revealing that all nine passengers did not have status in the United States.

During questioning, Luis Manuel VAZQUEZ-Mendoza and Jesus HERNANDEZ-Ramirez admitted to crossing the US/Canada border illegally. They also stated they paid \$3000 Canadian while in Canada for them to be smuggled into the United States and they were supposed to pay an additional \$2500 USD to their driver, Todd TYO.

The aliens stated they were to pay the \$2500 once they reached their destination in the U.S. They stated they would pay TYO via cash or a wire transfer. HERNANDEZ-Ramirez informed agents that he had been given a phone number of the pick-up driver. Agents called that number and the phone seized from TYO rang.